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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,907	10/29/2003	Tetsuhito Tsukagoshi	Q78094	4502

23373 7590 10/25/2005

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EXAMINER

FISCHER, JUSTIN R

ART UNIT PAPER NUMBER

1733

DATE MAILED: 10/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/694,907	Applicant(s) TSUKAGOSHI ET AL.	
	Examiner Justin R. Fischer	Art Unit 1733	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See continuation sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 12-21.
 Claim(s) withdrawn from consideration: 23-28 and 30-34.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See continuation sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☒ Other: The drawings received on July 1, 2005 are acceptable.

Continuation of 3: As amended, independent claim 12 requires "at least one plastic deformation region" in the wrap. However, the previously examined claims failed to require such a region in the wrap and as such, the amended claim would require further search and consideration.

Continuation of 11: In response to applicant's arguments, Continental (FR '358) expressly teaches the inclusion of a rubber layer near the radially outward end of the reinforcing layer since high stresses occur at this location. In this instance, it is not required for Continental to suggest the inclusion of such a rubber layer for the exact reasons of the claimed invention- it is only required that such a layer is present in the tire structure of Continental. It is further noted that such a benefit would be expected as a result of placing said rubber layer between the filler and the reinforcing layer. In regards to the bead filler, such a component constitutes a fundamental component of tires and one of ordinary skill in the art at the time of the invention would have expected a bead filler in the tire of Continental. In regards to the hardness of the respective components, Continental fails to expressly relate the hardness of the rubber layer to that of the filler and sidewall- it is unclear what components reference character 15 is intended to describe and as evidenced by Mechanics, the bead filler is well recognized as being formed of an extremely hard rubber composition. One of ordinary skill in the art at the time of the invention would have found it obvious to form the relevant rubber layer from a composition having a hardness between that of the sidewall and the bead filler. As to JP '808 and JP 905, the reference are applied to evidence the well known


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use of the claimed carcass turnup structure in order to provide improved tire durability- in particular, JP '808 discloses such an advantage in a tire formed of a single carcass ply and a bead reinforcing layer. Regarding JP '210, the reference identifies a concave arrangement to improve durability- as argued by applicant, the claimed invention includes a concave arrangement to reduce heat buildup and improve bead durability. It is unclear how the language of the claimed invention defines over the tire design of JP '210. Lastly, the arguments pertaining to a "plastic deformation region" are not commensurate in scope with the language of the pending claims.



Justin Fischer

October 18, 2005



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